

**Wisconsin Contingency Plan
for
Hazardous Substance Discharges**

**Prepared By the Wisconsin Department of Natural Resources
Bureau for Remediation and Redevelopment
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Madison, WI 53707**

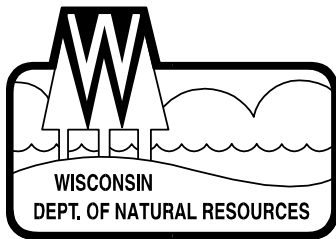
**February, 1998
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Emergency Notifications

- 1. *Dial 911* if there is an immediate threat to life, safety, or property.**
- 2. If possible, notify the company responsible for the spill so they can begin actions to stop and contain the spill.**
- 3. Call the Wisconsin Spill Reporting Hotline Number *1-800-943-0003* to notify state agencies of the discharge.**
- 4. If required, call the National Response Center at *1-800-424-8802* to notify federal agencies of the event. (The federal Superfund Authorization and Reauthorization Act requires that releases of extremely hazardous substances above their reportable quantities are to be reported to the National Response Center.)**

**IF YOU PLAN ANY PART IN THE RESPONSE TO A SPILL, MAKE SURE YOU
UNDERSTAND YOUR ROLE IN THE INCIDENT COMMAND SYSTEM
(SEE CHAPTER V, PAGE 5)**

Facility Emergency Planners, Local public safety emergency planners, state agency response personnel and federal agency response personnel can use this plan as a resource when planning for spills, when responding to a spill, and when evaluating the effectiveness of a response at the conclusion of the response activities.



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Open Letter to the Reader:

This document was prepared by the DNR in conjunction with the State Contingency Plan Advisory Group, comprised of representatives of the private sector, and local, state and federal agencies responsible for providing response services in the event of a discharge of a hazardous substance. This plan serves as a tool for planning and implementing response strategies for hazardous substance discharges. The plan is required by Sec. 292.11, Wis. Stats., and complies with Chs. NR 702 and NR 704, Wis. Adm. Code.

In the event of a hazardous substance discharge, it is imperative that response personnel understand the roles, responsibilities and resources of their and other respective agencies. This plan helps identify those for local, state and federal agencies, so that we can maximize the efficiencies of all involved parties.

Because every discharge of hazardous substance and abandoned container has unique circumstances, the plan must be general, in nature. Communication in advance of discharges helps all responders work more effectively and efficiently when an actual discharge should occur.

I am grateful to the participants who developed this plan and hope that the plan serves to better protect the citizens of this state.

Sincerely,

George E. Meyer
Secretary

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Appendix A: Abandoned Container Contingency Plan

Attachments:

1. Ch. NR 706, Wis. Adm. Code - Hazardous Substance Spill Notification Requirements
2. Duty Officer Manual Code (MC 1227.5)
3. WEM Decision Matrix
4. DOT State Patrol Policies and Procedures

Wisconsin Contingency Plan for Hazardous Substance Discharges

I. Purpose of the Contingency Plan

The purpose of the state contingency plan for hazardous substance discharges is to provide a framework for state agency operations when a hazardous substance discharge poses an imminent threat to human health, safety, welfare or the environment. Section 292.11, Wis. Stats., requires the development of this plan, in consultation with federal, state and local agencies. Chs. NR 702 and NR 704, Wis. Adm. Code, govern the development and content of this plan. To facilitate the use of this plan, the plan includes a number of attachments and appendices, including an appendix which is the abandoned containers contingency plan.

II. Scope of the Contingency Plan

Hazardous substance discharges, including oil, may involve local, state and federal response agencies, as well as those parties legally responsible for managing the spill. For the purpose of this plan, the term spill and discharge are used interchangeably, and response includes emergency response as well as mitigation activities. This contingency plan references personal protection measures, site investigation and documentation procedures, hazardous substance identification and management procedures, clean up requirements for hazardous substance discharges, as well as technical spill response issues including the use of various spill response techniques. To ensure a coordinated, effective and efficient response network, the contingency plan includes notification requirements, emergency determinations and response options, and agencies' roles, responsibilities, and resources for response activities. In addition to the response agencies' information, the plan addresses incident classification and prioritization of response options, as well as incident command systems used during response activities.

III. Notification Requirements

A. Responsible Party Requirements

Depending on the nature of the hazardous substance discharge, responsible parties may be required to notify various local, state and federal agencies of the discharge. Regardless of notification requirements, responsible parties are always required to clean up the discharge and restore the environment to the extent practicable.

The federal government must be notified for several types of discharges. The Clean Water Act requires any discharge of oil that leaves a sheen on navigable waters as defined by the federal government be reported immediately to the National Response Center. In addition, the Superfund Amendment and Reauthorization Act (SARA), releases of extremely hazardous substances above their reportable quantity be reported to the National Response Center hotline. SARA includes a requirement for notification of the Local Emergency Planning Committee (LEPC) when such discharges occur.

Chapter NR 706, Wis. Adm. Code, Hazardous Substance Discharge Notification Requirements, identifies when and what hazardous substance discharges need to be reported to the Department of Natural Resources (DNR). The Wisconsin Division of Emergency Management (WEM) operates a toll-free emergency hotline for spill notifications (1-800-943-0003) (see Chapter VI. C. - State Agencies for more information on spill reporting). In general, Ch. NR 706, Wis. Adm. Code requires that all discharges of hazardous substances to the environment that adversely impact, or threaten to adversely impact public health, welfare or the environment must be immediately reported to the DNR (see attachment 1). The rule also contains statutory exemptions as well as conditions when exemptions for small quantities of petroleum compounds, agrichemicals, and substances for which there are federal reportable quantities would apply.

The definition of hazardous substance, found in s. 292.01(5), Wis. Stats (formerly s. 144.01(4m), Wis. Stats), is: "...any substance or combination of substances including any waste of a solid, semisolid, liquid, or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration, or physical, chemical or infectious characteristics."

To determine whether a substance that is discharged is hazardous, the quantity, concentration, location and physical, chemical and infectious characteristics of the discharge must be considered. For many substances, whether or not the substance is considered hazardous will depend on the quantity discharged and the location of the discharge. Sampling requirements for emergency immediate actions are identified in s. NR 708.05(3) and s. NR 712.05, Wis. Adm. Code. Sample analysis requirements are identified in s. NR 716.13, Wis. Adm. Code.

B. Agency Requirements

As previously mentioned, WEM is authorized to operate a 24-hour notification hotline for reporting spills and other emergencies. Calls made to the hotline regarding spills are directly forwarded to the Department of Natural Resources during regular office hours, and to the State Patrol dispatcher for after-hour calls. When the DNR is notified during business hours, the information is disseminated within the DNR per DNR Manual Code 1227.5, Duty Officer System (see Attachment 2). In general, notifications are forwarded to the Area Warden closest to the discharge or to the Regional Spill Coordinator. In addition, the DNR forwards the spill reports to WEM for further distribution to the county emergency management office.

When other state agencies are needed to be involved at a spill, the DNR is required to notify WEM. The Division of Emergency Management is responsible for disseminating information to appropriate state agencies. State agencies are required to submit to WEM an accurate list of response personnel to be contacted in an emergency. In addition, the DNR may enter into memorandum of agreement with other state agencies that want direct notification of discharges that may affect their respective state agency. For example, DNR has agreed to directly notify DATCP when discharges occur that are the result of an agrichemical spill.

WEM notifies the following response agencies as described below:

- **Agriculture, Trade and Consumer Protection:** for discharges that result in injury to crops, food, commercial feed, agricultural products or involving any agricultural chemicals such as pesticides, fertilizers or animal drugs.
- **Health and Family Services:** for discharges of radiation or discharges that may affect human health.
- **Commerce:** for discharges from flammable liquids storage facilities or discharges of anhydrous ammonia, explosives or LP gas.
- **Transportation:** for discharges associated with transportation systems including shipping, railroads, highways, and pipelines.
- **Local police or fire departments** responsible for the geographic area where the discharge occurs.

IV. Incident Classification/Prioritization

There are various ways of classifying the nature and severity of a hazardous substance discharge, and the appropriate agency and level of response needed for that discharge. **For the purposes of this plan, an emergency is defined as a situation that requires an immediate response to address an imminent threat to public health, safety or welfare or the environment.** Situations where a delay in response actions will not cause serious results would not be considered an emergency situation.

In an emergency situation, responsible parties are required by s. 166.22(2), Stats. and s. NR 708.05, Wis. Adm. Code, to immediately conduct emergency actions to protect public health and safety and to prevent damage to property. These actions are conducted in cooperation with local police and fire departments, county sheriffs, regional hazmat teams, county offices of emergency government, or any other appropriate government agency. In emergency situations where the responsible party is unknown, under s. 292.11(7), Stats., the DNR may conduct the emergency actions. Some specific immediate actions required of an RP in an emergency situation are provided in s. 708.05(4) and additional response actions are identified in s. NR 708.07, Wis. Adm. Code.

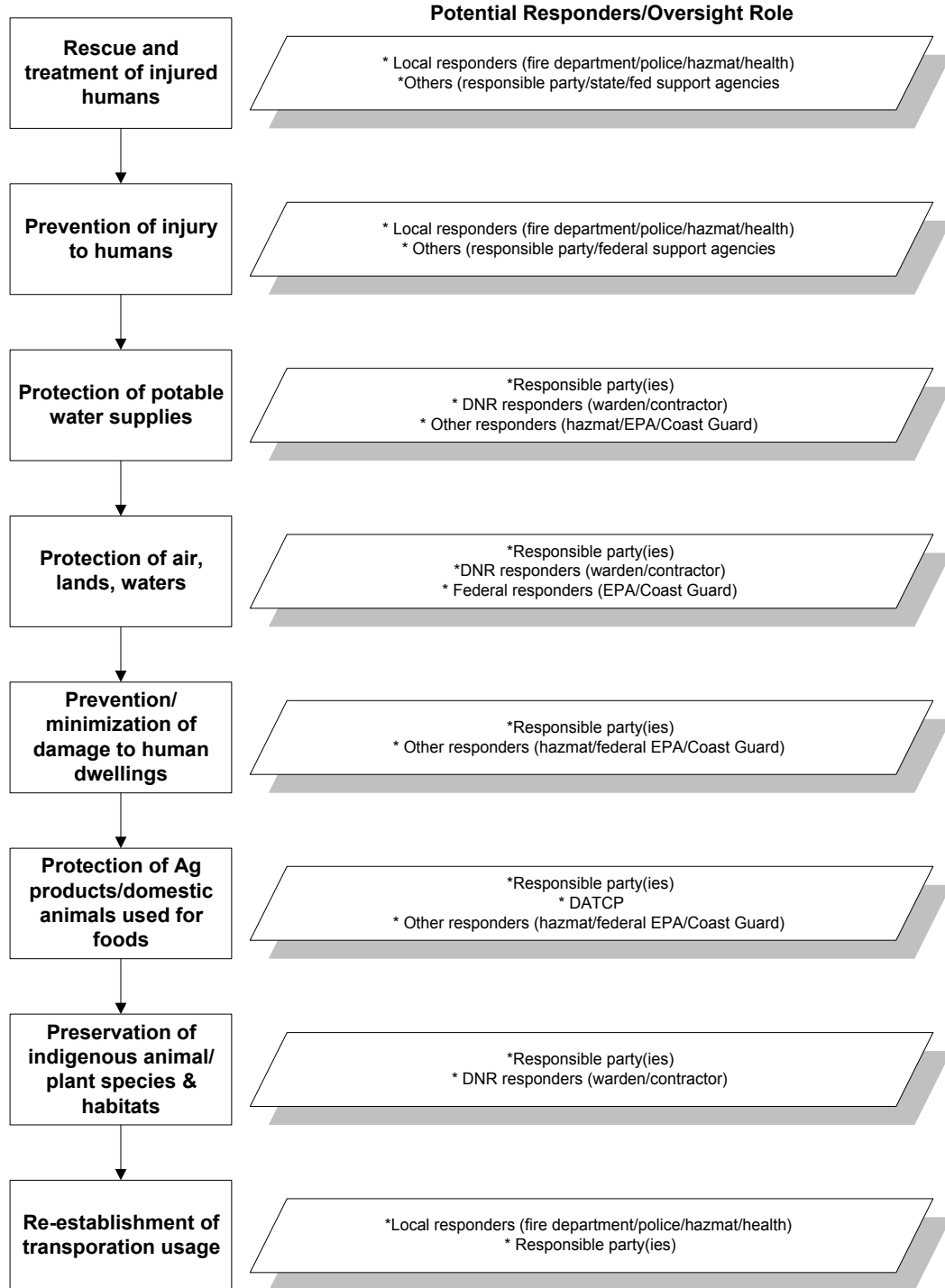
When a hazardous substance discharge entails multiple concerns and requires a multi-agency response, the priority for response activities is specified in s. NR 702.09, Wis. Adm. Code. The code also specifies that the agency with specific authority to deal with the concern of highest priority as ranked on Table 1 will have primary decision-making authority. The rule also encourages, where appropriate, agencies to cooperatively address situations simultaneously. Table 1 identifies the priorities for response activities, and also includes potential responders or

agencies with appropriate oversight roles for the various aspects of a response. The list of potential responders is not intended to be all inclusive, but to highlight the typical agencies that would respond to a hazardous substance discharge incident. Other agencies not identified in this schematic may also be involved, depending on the nature of the response and the type of support needed.

Local agencies typically provide immediate public health and safety protection because of their authorities, expertise, and ability to provide a rapid response. When the immediate public safety and health concerns are addressed, or concurrent to their being addressed, the need for environmental response actions are assessed. This assessment may be made by the responsible party, local responders, or state or federal environmental staff responding to the incident. Once the emergency is controlled, responsible parties must conduct response actions to restore the environment to the extent practicable, in accordance with state and federal regulations.

State agencies may have oversight responsibilities for their respective authorities during a response to a hazardous substance discharge, in addition to the local responders. For example, DATCP staff typically respond to agrichemical releases, while discharges that require an evacuation will involve DHFS staff. Each agency responding to a discharge has a range of response options for that particular discharge. DNR response options are specified in DNR Manual code 4431.2, Hazardous Substance Discharge (see Attachment 2) including when an on-scene department response is required, as well as when no department response is needed. The Division of Emergency Management has a decision matrix (see Attachment 3) to determine the level of response needed from the Regional Response Team or the County Response Team, based on the level of protection needed. Attachment 3 also includes a map of the county and regional response coverage.

Prioritization of Response Activities



V. Incident Command System/Unified Command

Discharges of hazardous substances require quick and efficient responses from local, county, state, and sometimes federal agencies, and from private parties involved, including the responsible party, contractors and laboratories. The state of Wisconsin uses the Incident Command System (ICS) to organize the efforts of those personnel. The

ICS is designed to develop mutual objectives, priorities and strategies, and establish links in communication and reporting. This system increases the incident commander's management capabilities by efficiently organizing the roles and responsibilities of responders from various agencies, accommodates incidents of varying size and complexity, and provides flexibility in adjusting to the changing demands as an incident progresses.

There are five basic response functions in a traditional Incident Command response:

- command - sets objectives and priorities, has overall responsibility at the incident or event, assigns and coordinates actions, including those regarding safety, public information and liaison with other organizations
- planning - develops the action plan to accomplish the objectives, collects and evaluates information, maintains resource status, determines hazards and possible response strategies, tracks the progress of response operations
- operations - conducts tactical operations to carry out the plan, develops the tactical objectives, organization, and directs all resources
- logistics - provides support to meet incident needs, provides resources and all other services needed to support the incident
- finance/administration - monitors costs related to incident, provides accounting, procurement, time recording, and cost analyses

When responding to an incident, the primary decision making authority shall rest with the agency having specific authority to deal with the concern of highest priority. The representative of that agency shall serve as the incident commander. The incident commander is responsible for assessing hazards, planning a response, directing that response, assuring safety, and all of the other response functions. All other agencies' roles and activities shall be subordinated until the concern of highest priority is addressed. Subsequent activity then progresses to the agency having authority and the capability to deal with the next most immediate concern. When it is possible to cooperatively address more than one concern at the same time, actions shall be taken simultaneously. In every stage of decision making, the consequence of each decision on the subsequent response activities shall be weighed, and detrimental consequences minimized.

The Unified Command System concept has evolved from situations where there are incidents which cross jurisdictional lines. Under a Unified Command System, the incident command system having one incident commander is replaced by those with a shared responsibility for managing the response actions. Under a unified command structure, the main responders meet and agree to coordinate their actions, agree on objectives, priorities, and strategies, recognize each others' roles and responsibilities, and establish communication lines and methods.

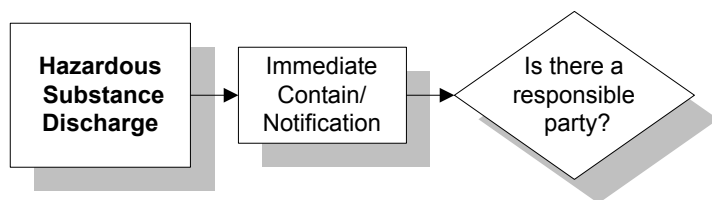
Wisconsin considers the assumption of authority by local jurisdictions in emergency responses to be integral to the intent of our "home rule" statute, s. 59.025, Wis. Stats., which recognizes that the chief elected official is responsible for final decisions on issues affecting their jurisdiction.

VI. Operational Schematic for Response Actions

The following schematic depicts general response actions for agencies who may respond to a hazardous substance discharge. Because spill response varies, depending on factors such as the nature of the spill (substance, amount, location), the availability and resources of the responsible party, and the availability and expertise of response agencies, the schematic is generic. Specific details of the schematic are included in the following chapter. It is important to note that by definition, all hazardous substance discharges that require state notification are considered of state significance, but may not be of federal significance. Also note that if a discharge is of federal significance, local and state involvement in the response activities will continue. These multi-level agency responses require close coordination and the use of the ICS/UC management tool is essential for a successful response.

VII. Organizational Roles and Responsibilities for hazardous substance discharges

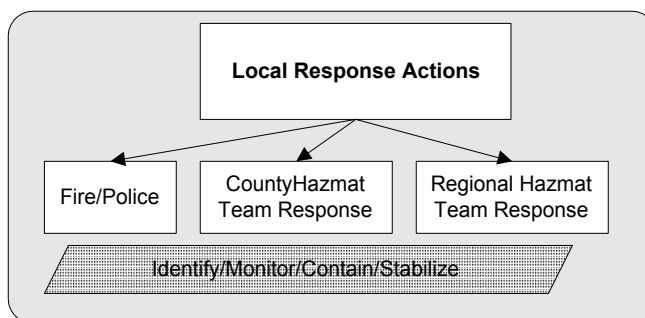
A. Responsible Party



Responsible parties are required by s. 166.22(2), Stats. and s. NR 708.05(2), Wis. Adm. Code, to take the actions necessary to protect public health and safety and prevent damage to property. Emergency actions must be conducted in cooperation with local police and fire departments, county sheriffs, regional hazmat teams, and county offices of emergency government. When a discharge occurs, the responsible party should immediately halt the discharge and then notify the appropriate state, federal and/or local agency of the discharge (see Section III - Notification). In addition, s. 292.11 Wis. Stats., Hazardous Substance Spills, requires that a person “who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects of the discharge to the air lands or waters of the state”.

The RP must cooperate with local public safety agencies to protect public safety and property. This includes providing access to properties, information, and expertise, if appropriate. During most discharges, the RP response activities are directed by a local public safety agency incident commander. As the response actions at an incident address the sequence of priorities previously identified, they expand to include off-site and environmental concerns. The RP has the lead role in responding to these concerns, under the oversight of the appropriate state and federal agency, who have a shared responsibility in ensuring response actions are adequate and meet the needs of all concerns. The NR 700 rule series contains the state regulations that must be followed when discharges of hazardous substances occur.

B. Local Authorities and Resources



Local units of government protect the public’s safety and property from a spill through police, fire, hazmat, and health department responses. During the initial stages of an incident, when life and safety issues are paramount, local officials are usually “in charge” of the incident response (See Section V on Incident Command).

Local responders also have access to fire departments that serve as regional hazmat teams, contracted through the Division of Emergency Management. The regional teams provide hazardous material response services for the entire state. A number of fire departments and local emergency response personnel also serve as county hazmat teams. Responsible parties are required to reimburse the hazmat teams for their costs during a response.

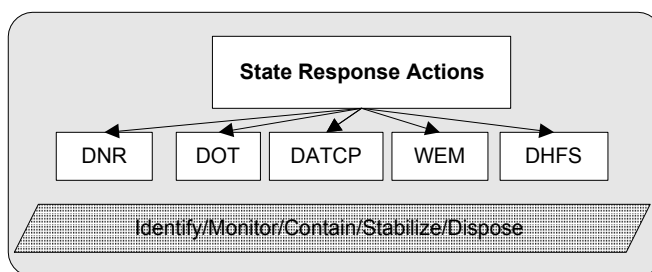
Local health agencies, both county and city, are authorized to provide services through Chapter 251, Wis. Stats. This statute outlines the various levels of health departments and their respective responsibilities. In general, local

health departments are mandated to provide surveillance, investigation, control and prevention of communicable diseases, other disease prevention, health promotion and human health hazard control.

Local Emergency Planning Committees (LEPCs) are responsible for implementing the Emergency Planning and Community Right-to-Know Act (EPCRA) locally, including development of a county-wide hazardous materials emergency response plan and off-site response plans for facilities having extremely hazardous substances present at or above specific threshold planning levels.

The EPCRA program maintains a database for planning and reporting facilities, including the listing of chemicals reported by facilities. Each facility that has an extremely hazardous substance at a certain threshold planning quantity must inform the division of that status. The facility must assist the LEPC in developing a plan that will inform the local fire jurisdiction about the chemical(s) they might expect to encounter at the facility and the vulnerability that might be expected in the event of a release.

C. State Agencies



There are a number of state agencies that respond to hazardous substance discharges. The following identifies the roles, authorities, and responsibilities of these agencies. These agencies are responsible for ensuring their staff are adequately trained to provide the services that are needed, and comply with all state and federal regulations regarding personnel protection and safety.

1. Department of Natural Resources (DNR)

a. Organization

With respect to hazardous substance releases, the Department of Natural Resources is responsible for environmental remediation as well as emergency response activities. Wardens typically serve as first responders, and regional spill response coordinators are technical hydrogeologists and serve as technical resources for long term cleanup activities. The department's response programs are decentralized, with response staff located in Regional offices and management support in the Central Office in Madison. The Department has 5 Regions and each Region has staff assigned to spill response activities. The Secretary of the department has also been designated as the natural resource trustee for Wisconsin for the purpose of conducting natural resource damage assessments.

b. Roles and Responsibilities

DNR is responsible for the following activities, which are discussed below in more detail:

- notifying other agencies (per MOAs), including state and/or local governments, depending on the nature of the release;
- notifying other DNR personnel for assistance, as needed (i.e., spill coordinator, fisheries, air management);
- notifying downgradient communities if there is the potential to affect water supplies;
- determining whether the responsible party is conducting adequate and appropriate response actions related to protecting human health, welfare and the environment; and
- initiating the zone contractor to conduct emergency actions when the responsible party is not taking adequate actions.

Section 292.11 Wis. Stats., Hazardous Substance Spills, authorizes the DNR to respond to discharges of hazardous substances. Specifically, where responsible parties are not taking actions necessary, the department or its authorized representative may identify, locate, monitor, contain, remove or dispose of the hazardous substance or take any other emergency action which it deems appropriate under the circumstances. The department may enter any property, premises or place at any time for the purposes of taking removal or other emergency action if the entry is necessary to prevent increased damage to the air, land or waters of the state. Notice is not required if the delay would result in imminent risk to public health, safety or the environment. The statute also provides for reimbursement of department costs by responsible parties, and grants the department the authority to issue an emergency order or special order to the person possessing, controlling or responsible for the discharges to take the actions deemed necessary by the department. The hazardous substance spill response team manages the overall spill response program for the DNR.

When a hazardous substance discharge occurs, notification of the DNR is required. Spillers are encouraged to use the 24-hour toll free hotline operated by the Division of Emergency Management to notify the DNR of their spill. During regular office hours, those calls are forwarded to the DNR Duty Officer at the DNR's Central Office, with the information being disseminated to the appropriate Regional office. Manual Code 1227.5 describes the duty officer system within the DNR. After hours, calls are transferred to the State Patrol, who disseminate the information to the department through its duty officer system. The DNR Bureau for Remediation and Redevelopment maintains the spill notification information that is available to the public in various formats.

The first DNR responder to a hazardous substance spill is typically the area warden. Each county has at least one warden assigned to it. Depending on the nature of the release, the DNR responder determines what, if any, actions the DNR should be taking. Specific criteria for determining the appropriate DNR responses can be found in Attachment 2 - Manual Code 4431.2 - Hazardous Substance Discharge. When responsible parties are taking the appropriate actions, the department's role becomes an oversight role, and relies on the responsible party to complete the necessary actions.

The DNR has contracted with private emergency response companies to provide statewide emergency response services for discharges of hazardous substances when responsible parties are unable or unwilling to take necessary actions. In an emergency, the DNR may also authorize local services for spill response needs. For non-emergency responses, the emergency response contractor can not be used, and the site is prioritized with other sites needing state cleanup funding.

In addition, Spill Coordinators are available in each of the Regional DNR offices who specialize in technical spill response issues. The spill coordinators work with local emergency planning agencies, local fire departments, and the wardens to ensure a consistent DNR approach to spill response issues. The spill coordinators also work with local industries who may handle hazardous substances as part of their business to provide them with technical support for spill prevention as well as spill response.

c. Resources Available

DNR resources are limited to staff oversight/technical support, funding of private contractor emergency responses and cleanups, and limited quantities of absorbent materials and safety supplies for small spill responses. Depending on the nature of the spill, staff from a variety of programs may also provide technical support. These staff will work in the ICS structure established for the event. Various programs and Regions may have supplies and equipment useful to manage the spill response activities, including air and water quality monitoring equipment, as well as boats and airplanes, for accessing and evaluating the spill. Depending on the specific spill situation, DNR staff may be available to use this equipment.

Funding for DNR spill response activities comes from the State Environmental Fund, which is also used to fund the abandoned containers program, environmental enforcement activities related to the state cleanup program, the hazardous substance spills program, all state funded investigations and cleanup activities for the state cleanup program, administrative expenses, municipal monitoring cost reimbursements and the state share of costs associated with implementing the federal Superfund and Lust programs.

2. Department of Military Affairs - Division of Emergency Management (WEM)

a. Organization

Wisconsin Division of Emergency Management (WEM) is charged by Chapter 166, Wis. Stats., to develop and promulgate a state plan of emergency management for the security of persons and property that shall be mandated during a state of emergency. WEM is organized into two Bureaus and one Section. The Bureau of Field Services and Disaster Resources includes disaster relief and mitigation specialists, training personnel and staff who serve in the six Regional offices. The Bureau of Technical Hazards focuses on four areas - radiological emergency preparedness, emergency services planning, hazardous materials planning and reporting, and hazardous material safety/transportation. The Administrative Services Section provides program support, fiscal services and public information. In addition to the Bureaus, Regional Emergency Management directors are assigned counties to work with to provide emergency response services, and serve as field liaisons for the division when disasters occur. The directors also support local emergency managers when planning, developing exercises, or delivering training.

b. Roles and Responsibilities

WEM is responsible for the following activities, which are discussed below in more detail:

- operating the 24-hour emergency hotline for spills and other emergencies;
- notifying state agencies, as appropriate, during major spill events;
- managing the regional and county hazmat teams (including development of a call-out matrix for establishing the appropriate level of response);
- providing training to other state and local agencies relating to emergency management; and
- administering the Emergency Planning and Community Right-to-Know Act (EPCRA).

As part of preparedness, WEM operates a duty officer system. As previously discussed, calls received on this line include hazardous materials spill calls, which are directed to the DNR duty officers. All other state emergency calls, including natural and/or technological hazards such as severe weather events, public health problems, leaking dams and others are handled by WEM. The division is responsible for notifying other state agencies when emergencies occur that may relate to that particular agency. For example, for events in which health may be impacted, the Department of Health and Family Services needs to be notified. Likewise, when events relate to transportation, agriculture, and flammable liquids, the relevant state agency will be notified by the division.

Related to hazardous substance discharges, WEM administers and implements the Emergency Planning and Community Right-to-Know Act (EPCRA) programs and policies of the State Emergency Response Board (SERB), which is chaired by the Division Administrator. The Board develops administrative rules, reviews and accepts plans as submitted by the local (county) emergency planning committee (LEPC).

c. Resources Available

As stated above, WEM provides resources in the service it provides, including delivering training to various state and local response personnel, as well as participating and in some cases leading response exercises. In addition, WEM maintains the Emergency Operations Center (EOC) at the headquarters at 2400 Wright Street in Madison. This center is available for use by WEM when major disasters occur, and when large exercises are taking place. The center is equipped with various types of communications equipment and contains space for multi-agency response coordination. A mobile communication command post is also available from WEM to state and local agencies that are responding to emergency situations. WEM also supports the regional and county hazmat teams, and is notified by the regional teams when they become activated. WEM may also active a hazmat team, depending on the nature and location of an incident.

3. Department of Agriculture, Trade and Consumer Protection (DATCP)

a. Organization

Section 94.73(2), Wis. Stats., authorizes DATCP to respond to discharges of agricultural chemicals (pesticides and fertilizers), including investigating agricultural chemical spills and requiring that parties responsible for such spills take actions to restore the environment to the extent practicable. The Agrichemical Management (ACM) Bureau

within DATCP is responsible for dealing with all aspects of pesticide and fertilizer regulations. These regulations address many areas including storage and handling, licensing applicators, registering products for use and cleanup of spills and contamination resulting from most agrichemicals.

b. Roles and Responsibilities

DATCP is responsible for the following activities, which are discussed below in more detail:

- assisting in the identification of agricultural chemicals and contaminants of agricultural products, food or livestock
- providing technical information, laboratory support and/or on-scene assistance/oversight in dealing with agricultural chemicals or contaminated agricultural products during investigation, containment, cleanup and disposal activities
- supervising the disposition of injured or dead domestic animals, adulterated food, and commercial feed;
- assisting in the supervision of cleanup and disposal activities on farm crop and livestock lands;
- determining whether the responsible party is conducting adequate and appropriate response actions related to protecting human health, welfare and the environment; and
- initiating the zone contractor to conduct emergency actions when the responsible party is not taking adequate actions.

c. Resources Available

DATCP staff, as discussed above, serve as resources for the response community. In addition, DATCP operates an analytical laboratory capable of analyzing soil and water samples for most pesticide and fertilizer compounds. DATCP also administers the Agricultural Chemical Cleanup Program (ACCP) which directs fertilizer and pesticide cleanups and can provide financial support to individuals incurring costs associated with the cleanup of discharged fertilizers or pesticides. In general, the fund will reimburse responsible parties a percentage of eligible costs exceeding a minimum amount, depending on the category of the spiller (i.e., an agricultural chemical dealer, transporter, or an end user. Pesticide manufacturers, common carriers, and government entities are not eligible for reimbursement, nor does the fund reimburse for the cleanup of spills caused by a responsible party's intentional or grossly negligent violations of agricultural chemical storage and handling laws, rule or codes.

4. Department of Health and Family Services (DHFS)

a. Organization

Chapter 250, Wis. Stats. gives the department its powers and duties to protect the public health of the citizens of the state. Included in this statute are provisions for working cooperatively with local health departments, conducting surveillance activities, analyzing occurrences, trends and patterns of environmental hazards, including discharges of hazardous substances, and conducting investigations, studies and research pertaining to any public health problems. DHFS is one of six core emergency planning agencies and as such works with other state agencies and organizations to develop plans for use prior to, during, and after a hazardous substance incident. Within the agency, there are a number of divisions that work together when emergency situations occur where there is the potential for public health impacts. The Division of Health's (DOH) Bureau of Public Health works most closely with events related to the discharges of hazardous substances and radiological exposures. In addition, the Division of Supportive Living and the Division of Children and Family Services also provide support during emergency events.

b. Roles and Responsibilities

DHFS is responsible for the following activities, which are discussed below in more detail:

- notifying local and federal public health agencies and practicing physicians of discharges of hazardous substances or discharges of ionizing radiation which affect or may affect the health of persons in the locality of the discharge;
- determining the need for investigations, surveillance, or monitoring programs to determine the impact of a hazardous substance discharge on human health and conducting those activities, when necessary;
- assisting the responder (agency or responsible party) in determining air, water, and soil samples to be acquired and tested as part of an investigation, surveillance or monitoring program relative to human health; and

- providing technical information concerning the exposure of humans to hazardous substances and ionizing radiation

Public health staff in DHFS are available on a 24 hour basis to receive and investigate notifications by WEM to ensure that actions are taken to protect Wisconsin's citizens. When spill reports are called into the DNR, the Duty Officer is trained to ask whether there are injuries, evacuations or the potential for either to occur. If so, the DNR Duty officer then notifies WEM to alert DHFS. In addition, DHFS may receive calls from the National Response Center when calls of federal significance are made. The Division of Emergency Management may also contact DHFS staff directly for incidents for which they been notified.

Public health professionals in DHFS include physicians, toxicologists, epidemiologists, environmental health specialists, and public health educators who can be involved as a situation warrants. DHFS staff provide consultation and support to local agencies, health care providers and businesses for emergency public health and human service activities. They may also work with response agencies and responsible parties to help determine air, soil and water sampling needs as part of an investigation, surveillance, or monitoring program relative to human health. Staff in DOH also conduct surveillance activities, and the department is one of 14 state health departments currently reviewing the health impacts or actions taken in regard to hazardous substance releases. The state works in a partnership with local health agencies, and have a shared responsibility in providing public health services.

c. Resources

The Division of Health has prepared health related fact sheets on various hazardous substances. When incidents occur, these fact sheets are provided to the response agencies and concerned citizens, as needed. Staff also develop new fact sheets as needed for substances that don't already have information available to the public. In addition, public health staff are available to participate in meetings on a statewide basis to address the health concerns of local citizens. Lastly, DOH operates a 24 hour hotline for health related questions from other agencies and local health departments when incidents occur.

5. Department of Transportation (DOT)

a. Organization

The Department of Transportation has three main responsibilities: they own the state and federal highways, and are responsible for designing, building and maintaining those highways; they license vehicles and drivers; and they operate the Division of State Patrol. County highway departments operate under contract with the DOT and serve as their contractors for maintaining the state highways.

b. Roles and Responsibilities

DOT is responsible for the following activities, which are discussed below in more detail:

- providing traffic control at the discharge scene, when necessary;
- operating the spills hotline after-hours; and
- arranging for the removal of wrecked vehicles and non-hazardous debris at the discharge, when necessary

With respect to hazardous substance discharges, the Department of Transportation, Division of State Patrol is responsible for hazardous material inspections of transporters, as well as responding to accidents in which discharges of hazardous materials occur. Typically, the state patrol is the first on the scene of such an accident, and they have three basic responsibilities. They report accidents to the DOT communication center which can then alert fire departments, ambulances, and other state agencies, such as DNR or WEM. Their policies and procedures outline notification process for activating other response personnel, including notification of appropriate local officials. In addition, they assess the accident scene, work with injuries, and remove vehicles. Lastly, they protect the accident scene, assist communication and investigate incidents to help determine the responsible party.

The staff of the Division of State Patrol receive awareness level of training for hazardous substance discharges. They are capable of identifying potential hazards and alerting others to those hazards. There are two policy and

procedures directives related to discharges of hazardous substances. The first relates to accidents involving hazardous materials or radioactive materials, and the second relates to spills and abandoned containers of unknown or hazardous materials at DSP motor carrier safety and weight facilities. These directives are found in Attachment 4.

c. Resources

The Department of Transportation has resources available to address contamination caused by their employees. With respect to accidents involving the discharge of hazardous substances, the state patrol does not seek cost recovery from responsible parties for their response costs. County highway department staff may also be available to assist during an incident, depending on the nature of the incident. Highway department staff, in general, do not receive hazmat training.

6. Department of Commerce

a. Organization

The Department of Commerce is responsible for the regulation of flammable and combustible liquids. While not a response authority, the agency is responsible for system design for storage tanks of flammable and combustible liquids. The Department of Commerce is responsible for developing regulations and inspecting flammable and combustible liquid storage tanks, above ground and underground. The Department of Commerce staff act as inspectors who can investigate incidents that result from a faulty storage tank and are able to take enforcement actions when necessary.

b. Roles and Responsibilities

Commerce is responsible for the following activities, which are discussed below in more detail:

- initiating and conducting investigations of known or suspected sources of flammable and combustible liquids discharges at fixed facilities and requiring corrective actions to remedy leaking conditions
- investigating discharges of anhydrous ammonia, explosives and LP gas and require corrective actions pursuant to Commerce regulations

Staff at the Department of Commerce will assist when a discharge of hazardous substances has occurred by inspecting and investigating tank conditions. In addition, inspectors also assess the condition of existing tanks to prevent leaks and discharges from occurring in the future.

c. Resources

The Department of Commerce provides field staff for inspecting tanks as regulated by Commerce. In addition, staff are available to answer technical questions regarding containment requirements and technical tank issues.

7. Department of Administration (DOA)

a. Organization

The Department of Administration is directed by state statute to perform a number of tasks including the following: coordinate management services, assist state agencies, the governor and the legislature with planning and financing of agency services, help state agencies provide services as efficiently and effectively as possible, and coordinate and provide services that are used by more than one agency.

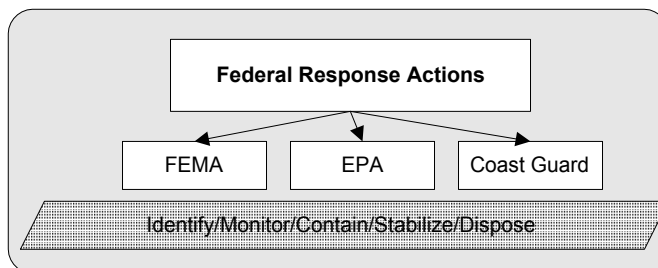
b. Roles and Responsibilities

The Department of Administration administers a state-wide contract for disposal of hazardous waste. This contract provides for the transportation and disposal of hazardous wastes generated by state agencies and state agency projects. DOA also administers a state-wide contract for emergency response to hazardous materials released on state-owned property. This contract piggybacks on the DNR spill response contracts with some restrictions on its use. The agency also administers remediation of environmental contamination caused by the state or on state-owned property.

c. Resources

The DOA provides staff resources for the management of these contracts, and for management of some cleanup projects. DOA, however, does not fund the use of these contracts by state agencies. Specific agencies who use these contracts use their own resources for funding their activities.

D. Federal Agencies



The Federal agencies listed in this section have duties established by statute, executive order, or Presidential directive that may apply to Federal response actions following, or in prevention of, the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Some of these agencies also have duties relating to the rehabilitation, restoration, or replacement of natural resources injured or lost as a result of such discharges. These agencies are represented on the Regional RRT, as discussed below.

Section 311 of the Clean Water Act (CWA) and Section 104, of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) gives the Federal government the authority to respond to a discharge or threat of discharge of oil or release of hazardous substances into or upon the navigable waters of the U.S., adjoining shorelines, or the waters of the contiguous zone. These authorities are delegated to the Federal On-Scene Coordinators (FOSCs) for the EPA for discharges affecting inland areas, and for the US Coast Guard, for discharges which affect the coastal areas of the Great Lakes and the Mississippi River. The National Contingency Plan (40 CFR parts 9 and 300) establishes the implementation policies for carrying out these authorities (see section X). In addition, funding for emergency responses to hazardous substance discharges is available for the EPA through CERCLA, and the Coast Guard (and in some circumstances, directly to the states) through the Oil Spill Liability Trust Fund, administered by the Coast Guard.

According to the NCP, the EPA and the Coast Guard co-chair the Regional Response Team (RRT), which is an advisory group for planning and preparedness activities before response activities occur, as well as for coordination of assistance and advice to the FOSC during site-specific incidents. The following is a list of Federal agencies represented on the RRT. Details of their responsibilities are found in the Regional Contingency Plan, discussed in Chapter X:

- Department of Agriculture
- Department of Defense
- Department of Energy
- Department of Health and Human Services
- Federal Emergency Management Agency
- General Services Administration
- Department of Interior
- Department of Labor
- Nuclear Regulatory Commission
- Department of Justice
- Department of State
- Department of Transportation
- Department of Commerce
- Environmental Protection Agency
- Department of Treasury

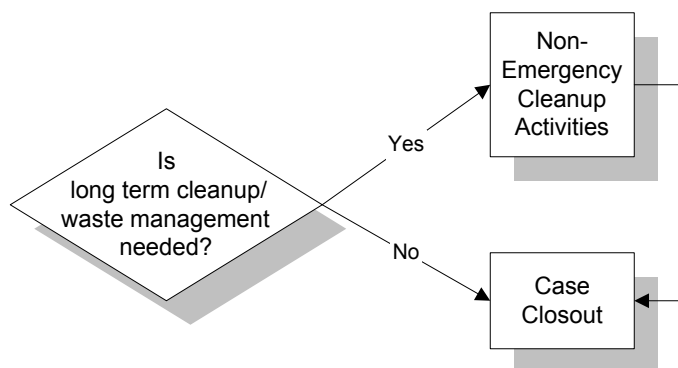
The FOSC coordinates all federal containment, removal, disposal efforts, and resources during an incident. In Wisconsin, the FOSC may be a representative of the US Coast Guard or the Environmental Protection Agency, depending on where the discharge occurs, as discussed above. Each of these agencies has resources that can be used for a major spill incident. Three specific teams that specifically relate to discharges of hazardous materials include the following:

Environmental Response Team: The EPA Environmental Response Team (ERT), based in Edison, NJ, has expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering. The ERT can provide access to special decontamination equipment and advise to the FOSC in hazard evaluation, risk assessment, multimedia sampling and analysis, on-site safety, cleanup techniques, water supply decontamination, application of dispersants, environmental assessment, degree of cleanup required, and disposal of contaminated materials. The ERT also provides response training.

US Coast Guard Atlantic Strike Team: The USCG Atlantic Strike Team provides trained personnel and specialized equipment to assist the FOSC in spill response training, stabilizing and containing the spill, and in monitoring or directing the response actions of the responsible parties or contractors. The FOSC may contact the team directly for assistance.

Scientific Support Coordinator (SSC): The SSC, represented by NOAA for coastal areas or the EPA for inland areas, has expertise in environmental chemistry, oil slick tracking, pollutant transport modeling, natural resources at risk, environmental trade-offs of countermeasures and cleanup, and information management.

VIII. Post Incident Activities/Long Term Cleanup



A. Long Term Cleanup

A hazardous substance discharge response may last for hours, days or even years. Once the immediate hazards of the release are addressed several follow up activities should occur, including agency de-briefings and post incident clean up activities. If a responsible party cannot complete the long term cleanup activities, the state has the ability to address long term cleanup activities through the state funded environmental response program, in the Bureau for Remediation and Redevelopment.

Long term response by the responsible party is often necessary to meet the statutory requirement to restore the environment to the extent practicable. Chapter NR 708, Wis. Adm. Code identifies procedures for site investigation, documentation, and management of hazardous substances, and when parties are required to conduct immediate actions in response to an emergency. Restoration of the affected lands or waters by actions beyond those of the immediate actions is addressed in s. NR 708.07, Wis. Adm. Code. Further procedures are found in the NR 700 rule series titled Investigation and Remediation of Environmental Contamination. This series includes rules that apply to immediate and interim actions, site investigations, management of solid waste excavated during response actions, soil cleanup standards, standards for selecting remedial actions, no further actions, and case closures. When a spill occurs, the regional staff have prepared "rp packets" that assist responsible parties with their cleanup

responsibilities. Included in these packets is information about different facilities located in the area for waste disposal and treatment, as well as information regarding local contractors and other local resources. When responsible parties are not able to conduct such cleanup activities, the site is forwarded to the state response program and prioritized for state funded cleanup activities. Compliance with cleanup standards implies restoration of the environment.

B. Natural Resource Damage Assessments

As indicated above, a number of state and federal agencies and tribes are designated as natural resource trustees (DNR for state resources, NOAA for coastal federal resources, FWS for federal resources, and tribes for tribal resources). As trustees, agencies may assess damages to natural resources under their jurisdiction occurring from oil spills or releases of hazardous substances. Additionally, trustees may seek recovery for losses from the responsible party and may devise and carry out rehabilitation, restoration, and replacement of injured natural resources. Specific natural resource trustee activities include but are not limited to, convening the trustee group, developing and implementing initial sampling plans, establishing the lead administrative trustee, developing initiation requests to OSLTF, selecting appropriate assessment strategies, and implementing longer-term assessment studies.

C. Debriefings

When incident response involves multiple agencies, the agencies involved should conduct a “debriefing” of the incident. During a debriefing, agencies evaluate their responses to determine effectiveness and areas for improvements. These debriefings provide the agencies with valuable information that may be missed once the response is complete and allow the agencies to continually improve their respective response capabilities.

IX. Technical Spill Response Issues

A. In-Situ Burning

In-situ burning is the use of an ignition source to initiate the combustion of spilled oil that will burn due to its intrinsic properties and does not include adding a burning agent to sustain the burn. The feasibility of in-situ burning is relatively limited because of a number of factors, however, in some situations, when combined with containment and other countermeasures, burning can prevent oil contamination from spreading to environmentally sensitive areas. DNR approval is needed for this technique to be used. The department’s regional spill coordinators are designated to authorize in-situ burning as a response measure when appropriate. In addition, area contingency plans define a process for approving in-situ burning and other response measures, and should be consulted prior to any in-situ burning activities.

B. Use of Dispersants

Dispersants are not typically used in Wisconsin for spill response. The scientific information on their effectiveness and safety in freshwater environments is very limited, and there are concerns that the use of dispersants may have other detrimental effects to the environment. The EPA publishes a list of dispersants that are approved for use by the federal government, however, state approval must be granted for them to be used. One exception for the use of dispersants is in Section 211.92, Wis. Stats., which allows fire departments to use hazardous substances in carrying out their responsibility to protect public health, safety and welfare, but requires them to notify the department when such substances are used.

C. Chemical Countermeasures

The use of chemical countermeasures are relatively minimal in Wisconsin at this time. In general, Area Contingency Plans discuss the use of chemical countermeasures and should be referred to when considering these as options.

X. Relationship of the State Contingency Plan with other State and Federal Plans

There are a variety of response planning requirements that affect federal, state and local governments as well as private businesses which may handle hazardous substances. For the purpose of this plan, and consistent with state definitions, oil is considered a hazardous substance, and will not be discussed separately in this plan. The plans, as described below, are in descending order from a geographic perspective. As the plans target smaller geographic areas, the information contained in them becomes more detailed. While the federal and state plans do not contain

specific equipment and personnel inventories, the area and local plans will discuss these resources and how they can be accessed and utilized. The following is a brief description of the various plans that affect response or management of hazardous substance releases.

A. Federal Plans

1. National Contingency Plan (NCP)

The National Contingency Plan implements the Comprehensive environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and Superfund Amendments and Reauthorization Act (SARA) of 1986. Title III of SARA, the Emergency Planning and Community Right to Know Act of 1986 (EPCRA), encourages and supports emergency planning efforts at the state and local levels. Title III is organized into three subtitles: Subtitle A established the framework for local emergency planning; Subtitle B provides the mechanism for community awareness of hazardous chemicals present in the community; and Subtitle C contains general provisions for trade secrets protection, enforcement, citizen suits and public availability of information. Subtitle A establishes state boards or commissions that establish local emergency planning commissions (LEPCs). LEPC activities are described below in the discussion of local plans. Federal regulations identify extremely hazardous substances and associated threshold planning quantities, above which the LEPC is required to prepare an facility off-site response plan.

In addition to the EPCRA provisions, the NCP establishes the framework for the EPA and other federal agencies operations when there are discharges of hazardous substances. Included in the NCP are definitions and roles and responsibilities for federal on-scene coordinators, information on accessing federal funds for response activities, and a product schedule for substances that have been tested for approval for use during responses to hazardous substance discharges.

2. Area Contingency Plans (ACPs)

The Federal Water Pollution Control Act (FWPCA) as amended by OPA, establishes the National Planning and Response System. This system establishes Area Committees, comprised of federal, state and local agencies, to develop area plans. Area plans are designed to address a worst case discharge of oil or a hazardous substance, and to mitigate or prevent a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near the geographic area. Included in the area plans is information on resources available for spill response as well as identification of sensitive/vulnerable areas for releases of hazardous substances. For Wisconsin, Area Plans cover the following portions of the state: (1) the Western Lake Superior Area Contingency Plan (US Coast Guard), which applies to the area bordering western Lake Superior; (2) the Eastern Wisconsin Area Contingency Plan (US Coast Guard), which applies to the area bordering Lake Michigan; and (3) the Regional Contingency Plan/Area Contingency Plan (EPA Region V) which covers the inland areas (see below); and (4) the Upper Mississippi River Basin Area Contingency Plan which covers the Mississippi River area.

3. Regional Contingency Plan (RCP)

EPA Region V has a joint Area Contingency Plan/Regional Contingency Plan (RCP/ACP) document. The RCP/ACP outlines assistance available from the Region V Regional Response Team (RRT) member agencies and the type of cooperative response that should be carried out. The RRT is co-chaired by the EPA and Coast Guard, and includes other federal agencies, as well as the six state environmental agencies within EPA Region V. The RCP/ACP also includes resource information from governmental, commercial, and other sources that may be utilized during a response. The objective of the RCP is to describe response protocols and assist with a coordinated response capability in the event of a release or spill which poses a threat to human health and welfare or to the environment.

4. Federal Radiological Emergency Response Plan

This plan is prepared jointly by the Department of Energy and the Federal Emergency Management Agency. It's main purpose is to deal with the non-wartime release of radiological materials. Other federal agencies review and participate in the planning process, as necessary.

5. Federal Response Plan

The federal response plan (for Public Law 93-288, as amended) addresses any disaster or emergency situation that requires Federal response assistance under the authorities of the Stafford Act. The federal Response plan describes basic mechanisms and structures for the federal government to mobilize resources and conduct activities to augment state and local response efforts.

B. State Plans

1. Emergency Operations Plan

The state Emergency Operations Plan (EOP) Basic Plan provides senior administration officials an overview of the State's standing contingency plans for disasters and other major emergencies. It also serves as the core element of the EOP, providing a summary of the larger plan and the Wisconsin Emergency Management System providing policy for command officials, agency managers and emergency management professionals to use in planning, preparedness and operations.

2. State Contingency Plan for Hazardous Substance Discharges

This plan, the state contingency plan for hazardous substance discharges, addresses how state agencies work together to manage hazardous substance discharges. This plan is consistent with other existing federal, state and local plans, and may be used as a supplement to those plans. It is not a site specific plan, nor is it designed to specifically address a worst case discharge scenario, as the federal area contingency plans are designed. The state contingency plan is more of an agency operations plan for state agencies. It serves as a tool for other federal, state and local agencies in determining how best to maximize resources and efficiencies when agency responses are needed.

C. Local Plans

In Wisconsin, each county LEPC is responsible for completing a county emergency response plan. Within that plan is information provided from facilities required to submit information because of the type and/or amount of hazardous substances they manage. Typical information submitted to the counties includes response/contact information in the event of a release (i.e., contractors retained, equipment available at the facility, etc.) , as well as information about hazards analyses and vulnerability areas. The plan also includes information about sensitive populations, transportation routes, and other information which may be useful in the event of an emergency response.